

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BIRMINGHAM DIVISION**

CRYSTAL PETTWAY)	
)	
Plaintiff(s),)	CASE NO. 2:19-CV-01976-SGC
)	
v.)	
)	
ADVANCED CAPITAL SOLUTIONS, and)	
DOES 1-1-, inclusive,)	
)	
Defendants.)	

DEFENDANT ADVANCED CAPITAL SOLUTIONS, INC.’S ANSWER

Defendant Advanced Capital Solutions, Inc. (“Defendant”), by and through its undersigned attorneys, answering the Complaint, on information and belief:

1. The allegations in Paragraph 1 constitute conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies each and every allegation in Paragraph 1.

2. The allegations in Paragraph 2 constitute conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies each and every allegation in Paragraph 2.

3. The allegations in Paragraph 3 constitute conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies each and every allegation in Paragraph 3.

4. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 4, and therefore denies same.

5. With regard to paragraph 5, Defendant admits only that it is an Ohio corporation with an address of 5553 Whipple Avenue NW, North Canton, Ohio 44720. The remaining allegations in Paragraph 5 constitute conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies each and every remaining allegation in Paragraph 5.

6. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 6, and therefore denies same.

7. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 7, and therefore denies same.

8. Admits the allegations in Paragraph 8.

9. The allegations in Paragraph 9 constitute conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies each and every allegation in Paragraph 9.

10. The allegations in Paragraph 10 constitute conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies each and every allegation in Paragraph 10.

11. The allegations in Paragraph 11 constitute conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies each and every allegation in Paragraph 11.

12. Denies each and every allegation in Paragraph 12.

13. Denies each and every allegation in Paragraph 13.

14. Denies each and every allegation in Paragraph 14.

15. Denies each and every allegation in Paragraph 15.

16. Denies each and every allegation in Paragraph 16.

17. Denies each and every allegation in Paragraph 17.

18. Denies each and every allegation in Paragraph 18.

19. With respect to Paragraph 19, Defendant repeats and realleges its answer to the allegations set forth in all of its responsive Paragraphs as if same were fully set forth at Paragraph 19.

20. Denies each and every allegation in Paragraph 20.

21. Denies each and every allegation in Paragraph 21.

22. Denies each and every allegation in Paragraph 22.

23. Denies each and every allegation in Paragraph 23.

24. Denies each and every allegation in Paragraph 24.

25. Denies each and every allegation in Paragraph 25.

26. Denies each and every allegation in Paragraph 26.

27. With respect to Paragraph 27, Defendant repeats and realleges its answer to the allegations set forth in all of its responsive Paragraphs as if same were fully set forth at Paragraph 27.

28. Denies each and every allegation in Paragraph 28.

29. Denies each and every allegation in Paragraph 29.

FIRST AFFIRMATIVE DEFENSE

30. Plaintiff has failed to state a cause of action under the FDCPA or Alabama Deceptive Trade Practices Act.

SECOND AFFIRMATIVE DEFENSE

31. Plaintiff's claims may be precluded, in whole or part, to the extent Plaintiff's damages, if any, were caused by Plaintiff's own acts and/or omissions.

THIRD AFFIRMATIVE DEFENSE

32. Plaintiff's claims may be precluded, in whole or part, to the extent Plaintiff's damages, if any, were caused by third parties over whom Defendant had no control or authority.

FOURTH AFFIRMATIVE DEFENSE

33. To the extent Defendant's actions violated the law, such actions were the result of a bona fide error notwithstanding reasonable procedures designed to avoid such error(s).

FIFTH AFFIRMATIVE DEFENSE

34. Plaintiff has failed to state a cause of action under the FCCPA as she has failed to allege knowledge or intent on the part of Defendant.

WHEREFORE, Defendant Advanced Capital Solutions, Inc. respectfully demands judgment against the Plaintiff dismissing the Complaint in its entirety together for such other, further or different relief, not inconsistent herewith, as may be just, equitable and proper, together with the attorneys' fees and costs of this action.

DATED: January 21, 2020

CLOUD WILLIS & ELLIS LLC

By: /s/ William A. Ellis
William A. Ellis (ASB-8034-I61E)
Attorney for Defendant
Advanced Capital Solutions, Inc

OF COUNSEL:
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing motion was served upon the following via PACER and/or by mailing same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to insure delivery

DATED: January 21, 2020

/s/ William A. Ellis
William A. Ellis
Attorney for Defendant
Advanced Capital Solutions, Inc

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